

REMARKS

Claims 1, 2, 6, 15-19, and 21 were rejected under 35 U.S.C. § 102(b) as encompassing subject matter anticipated by U.S. Pre-Grant Pub. No. 2001/0021835-A1 to Mitchell *et al.*

Applicants ask the Examiner to reconsider and withdraw the rejection because Mitchell does not disclose every element of the rejected claims in the claimed arrangement.

Claim 1 has been amended to include the limitation of former claim 2, namely, that the flexible elongate member provides an undulating surface when in an expanded state.

Fig. 10, cited by the Examiner for showing an eccentric lumen 24, is not disclosed as having an undulating surface provided a flexible elongate member. Figs. 18 and 19, cited for an undulating surface, are not disclosed as having an eccentric lumen. Rather, lumen 94 is clearly not offset from the longitudinal axis of the illustrated stent.

As Mitchell was the only basis of rejection of claim 2, the other rejections are moot.

Respectfully submitted,

Date: September 29, 2008
Customer No: 25181
Patent Group
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02210-2600

/SCOTT E. KAMHOLZ/
Scott E. Kamholz, Reg. No. 48,543
Attorney for Applicants
Tel. No. (617) 832-1176
Fax. No. (617) 832-7000